

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Crim. File No. 06-124 (MJD/RLE)

(1) JEFFERY LEE OLIVER,

Defendant.

Elizabeth Altman, Assistant United States Attorney, Counsel for Plaintiff.

Gary R. Bryant-Wolf, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson dated December 21, 2006. Defendant Jeffery Lee Oliver filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record, including the transcripts of both hearings before the Chief Magistrate Judge and the exhibits submitted in conjunction with those hearings. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Report and Recommendation dated December 21, 2006, as well as the incorporated

Report and Recommendation dated June 5, 2006. As noted in the June 5, 2006 Report and Recommendation, Officer Engum followed appropriate protocol by requiring that the Expedition be towed and inventoried. United States v. Betterton, 417 F.3d 826, 830 (8th Cir. 2005).

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Chief Magistrate Judge's Report and Recommendation dated December 21, 2006 [Docket No. 37].
2. Defendant's Motion to Suppress Evidence [Docket No. 11] is **DENIED**.
3. Defendant's Motion to Suppress Statements [Docket No. 12] are **DENIED**.

Dated: February 21, 2007

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court